

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-17 remain in the application. Claims 1, 5-7, 11, and 17 have been amended.

In item 2 on page 2 of the above-identified Office action, the drawings have been objected to as failing to comply with 37 CFR 1.84(p)(5).

More specifically, the Examiner stated that the drawings include the reference symbol "25" not mentioned in the specification. The drawings have been changed so as to facilitate prosecution of the application, and the reference symbol "25" has been removed. Therefore the objection to the drawing by the Examiner has been overcome.

In item 3 on page 2 of the Office action, the drawings have been objected to as failing to comply with 37 CFR 1.84(p)(4).

More specifically, the Examiner stated that the reference symbol "1" has been used to designate both the diesel engine and the combustion system. The specification has been amended so as to facilitate prosecution of the application.

Therefore, the objection to the drawings by the Examiner has been overcome.

In item 5 on pages 2-3 of the Office action, the disclosure has been objected to because of the following informalities.

More specifically, the Examiner stated that it is unclear what is meant by "time average" and how to determine the time average. The time average is the average value of the pollution concentration over a period of time. Because it is believed to be clear what the term "time average" means, the specification has not been amended to overcome the objection by the Examiner.

In item 8 on page 3 of the Office action, claims 1-17 have been rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement.

More specifically, the Examiner stated that in claims 1 and 11 it is unclear as to what the "time average for the concentration of the pollutant" is intended as. As noted above, it is believed to be clear what the term "time average" means. Nevertheless, claims 1 and 11 have been amended so as to facilitate prosecution of the application. Therefore, the rejection of claims 1 and 11 has been overcome.

In item 10 on page 3 of the Office action, claims 1-17 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that in claims 1 and 11 it is unclear what the "time average for the concentration of the pollutant" means. As noted above, it is believed to be clear what the term "time average" means. Nevertheless, as noted above, claims 1 and 11 have been amended so as to facilitate prosecution of the application. Therefore, the rejection of claims 1 and 11 has been overcome.

The Examiner stated that in claim 6, the term "long" is a relative term, which is vague and indefinite. Claim 6 has been amended so as to facilitate prosecution of the application. Therefore, the rejection of claim 6 has been overcome.

The Examiner stated that claim 17 is inconsistent with the recitation set forth on page 16, lines 10-13 of the specification. Claim 17 has been amended so as to facilitate prosecution of the application. Therefore, the rejection of claim 17 has been overcome.

Support for these changes may be found on page 7, line 25 to page 8, line 24 of the specification of the instant application.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 12 on page 4 of the Office action, claims 1-8 and 10-16 have been rejected as being fully anticipated by Polcer (U.S. Patent No. 5,047,220) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 7, line 25 to page 8, line 24 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 11 call for, *inter alia*:

determining an average value of a pollutant concentration in the exhaust gas upstream of the catalytic converter over a plurality of the operating states, introducing a substoichiometric amount of reagent, in dependence on the average value of the pollutant concentration in the exhaust gas upstream of the catalytic converter, into the exhaust gas.

The Polcer reference discloses a combustion unit without load fluctuations, as they particularly occur in a gas turbine. In order to determine the quantity of ammonia to be metered, the NO_x concentration is determined in the exhaust gas, after the catalytic converter. Such a method is only expedient in combustion units having constant pollution emissions

The reference does not show determining an average value of a pollutant concentration in the exhaust gas upstream of the catalytic converter over a plurality of the operating states, introducing a substoichiometric amount of reagent, in dependence on the average value of the pollutant concentration in the exhaust gas upstream of the catalytic converter, into the exhaust gas, as recited in claims 1 and 11 of the instant

application. Polcer discloses that in order to determine the quantity of ammonia to be metered, the NO_x concentration is determined in the exhaust gas, after the catalytic converter. Such a method is only expedient in combustion units having constant pollution emissions. In combustion units with load changes and the fluctuations that occur therewith, the method disclosed in Polcer would be too sluggish, in particular because the metered reagent (ammonia) is stored in and out of the catalytic converter. Therefore, due to the occurrences of "storing in and out", no precise relationships between the NO_x values at the output of the catalytic converter and the NO_x concentration at the input of the catalytic converter are possible. This is contrary to the invention of the instant application as claimed, in which an average value of a pollutant concentration in the exhaust gas upstream of the catalytic converter over a plurality of the operating states is determined, and a substoichiometric amount of reagent, in dependence on the average value of the pollutant concentration in the exhaust gas upstream of the catalytic converter, is introduced into the exhaust gas.

Since claims 1 and 11 are believed to be allowable, dependent claims 2-8, 10, and 11-16 are believed to be allowable as well.

Even though the claims are believed to be allowable, the following remarks are made with regard to Polcer.

Because the Polcer reference pertains to a combustion unit without load fluctuations, a person of ordinary skill in the art cannot obtain any teaching regarding the specific problems in a combustion plant with frequent load changes.

Furthermore, due to the lack of load changes in Polcer the person of ordinary skill in the art cannot obtain any teaching regarding the determination of an average value during several different operating states with varying pollutant emissions. Therefore, the claims cannot be obvious over Polcer.

In item 15 on page 6 of the Office action, claims 9 and 17 have been rejected as being obvious over Polcer (U.S. Patent No. 5,047,220) in view of Schmelz (U.S. Patent No. 5,628,186) and Hagenmeier et al. (U.S. Patent No. 5,512,259) under 35 U.S.C. § 103. Schmelz and Hagenmeier et al. do not make up for the deficiencies of Polcer. Since claims 1 and 11 are believed to be allowable, dependent claims 9 and 17 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is,

therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-17 are solicited.

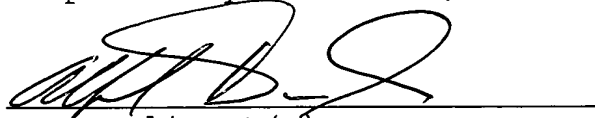
In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Reply to Office action of July 17, 2003

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,


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